IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Division Bench

M.A. (C) NO. 18 /2007

APPELLANTS : 1. Chintaram Sonwani
Aged about 45 years
S/o. Late Firanta Sonwani

2. Smt. Sukhbai, aged 42 years
W/o. Chintaram Sonwani

Both resident of village Sarona, P.S. Amanaka, Tahsil and District Raipur (C.G.)

P.R. No. 3/2/07
Presented by Shri B. Prasad Adv.
dated 3/2/07

VERSUS

RESPONDENTS : 1. Trigun Rai, aged 38 years
S/o. Nageshwar Rai
Resident of through Shrenik Raja Jain, Moti Nagar, Choubey Colony Raipur City, Tahsil and District Raipur (C.G.)

2. Shrenik Raja Jain, son of Shri P.C. Jain, Resident of Moti Nagar Choubey Colony Raipur City, Tahsil and District Raipur (C.G.)

3. The New India Insurance Company Limited, Through Branch Manager, Branch Office Madina Building, Jail Road, Raipur (C.G.)

(3)

4. Santosh Kumar Rawat, son of Bundaram Rawat, Ashok Market Goal Bazar Raipur (C.G.)

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLE ACT, 1988

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A.(C) No. 18/2007 **सन् 200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DB : Hon'ble Mr. V.K. Shrivastava & Hon'ble Mr.Dhirendra Mishra, JJ

8-2-2007

Shri Raghvendra Pradhan, counsel for the appellants.

None for the respondents.

Heard.

This is the claimants appeal under Section 173 of the Motor Vehicles Act, 1988 as they are unsatisfied with the quantum of award awarded in their favour for the death of their son namely Dangeshwar. The learned Motor Accidents Claims Tribunal allowed the claim case of the appellants and has awarded a sum of Rs.3,70,000/-.

Learned counsel for the appellants submits that in the impugned award the monthly income of the deceased has not been properly assessed and the same is not in accordance with the salary certificate duly proved by the claimants. He further submits that the deceased was a young person aged about 26 years and further prospects of his career have not been taken into consideration.

We have heard learned counsel for the appellants and perused the impugned award. The salary certificate (Ex-P/7) relied upon by the claimants certifies the monthly salary of the deceased to be Rs.3,000/- per month. The said certificate also mentions that he was entitled for allowance at the rate of Rs.50/- per day whenever the deceased was required to go out of station on duty. The Tribunal after considering the monthly income of the deceased, assessed the yearly income at Rs.36,000/- and after taking 1/3rd towards his own expenditure, the dependency has been calculated on the presumption of Rs.24,000/- and accordingly a multiplier of 15 has been applied. We are of the considered opinion that there is no illegality in the impugned award, which may call for interference since the appeal is preferred by the parents of the deceased.

In the result, the appeal being devoid of substance deserves to be dismissed and is accordingly dismissed.

Sd/-
V.K. Shrivastava
Judge

Sd/-
Dhirendra Mishra
Judge